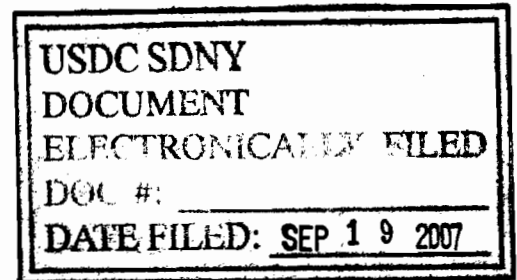




THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

MICHAEL A. CARDOZO  
Corporation Counsel



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September 14, 2007

**MEMO ENDORSED**

**BY FACSIMILE**

Honorable Laura T. Swain  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 755  
New York, New York 10007

IT IS ORDERED that counsel to whom this Memo Endorsement is sent is responsible for faxing or otherwise delivering promptly a copy to all counsel and unrepresented parties and filing a certificate of such service within 5 days from the date hereof. Do not fax such certification to Chambers.

Re: Mark Lachar v. City of New York et al., 07 CV 7599 (LTS) (JCF)

Your Honor:

As the Assistant Corporation Counsel assigned to the defense of the above-referenced civil rights action, I write to respectfully request that defendant City of New York's time to answer or otherwise respond to the complaint in this action be enlarged sixty (60) days from September 17, 2007 to and including November 16, 2007.<sup>1</sup> I have conferred with plaintiff's counsel, Steven Hoffner, Esq., and he consents to this initial sixty (60) day enlargement of time.<sup>2</sup>

The complaint alleges, *inter alia*, that on November 24, 2006, Police Lieutenant Joseph Delduca employed excessive force, falsely arrested and subsequently maliciously

<sup>1</sup> This case has been assigned to Assistant Corporation Counsel Katherine E. Smith, who is presently awaiting admission to the bar and is handling this matter under supervision. Ms. Smith may be reached directly at (212) 513-0462.

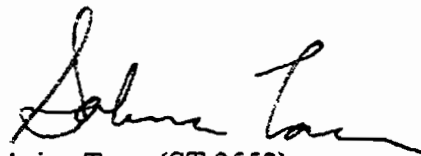
<sup>2</sup> Plaintiff's counsel represents that the individually named police lieutenant defendant identified in the caption of the complaint as "Joseph Delduca" has been served with a copy of the summons and complaint in this action. This office has not discussed with the individually named defendant the manner of service and we make no representation herein as to the adequacy of process. However, in the event that service was properly effected, the City respectfully requests that the same enlargement of time be granted to Joseph Delduca so that his defenses are not jeopardized while representational issues are being decided.

prosecuted plaintiff in violation of his state and federal civil rights. As a threshold matter, an enlargement of time will allow this office to forward to plaintiff for execution authorizations for the release of the underlying arrest, criminal prosecution and medical records. Defendant cannot obtain these records without the authorizations, and without the records, defendant cannot properly assess this case or respond to the complaint. Accordingly, defendant requires this enlargement so that this office may obtain the underlying documentation, properly investigate the allegations of the complaint and fulfill its obligations under Rule 11 of the Federal Rules of Civil Procedure.

No previous request for an enlargement of time has been made. Accordingly, defendant respectfully requests that its time to answer or otherwise respond to the complaint be enlarged to sixty (60) days from September 17, 2007 to and including November 16, 2007.

I thank Your Honor for considering this request.

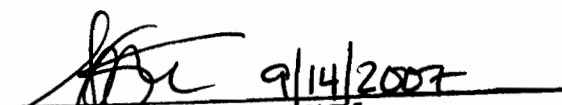
Respectfully submitted,



Sabrina Tann (ST 2552)  
Assistant Corporation Counsel  
Special Federal Litigation Division

*The request is granted.*

SO ORDERED.

  
9/14/2007  
LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE

cc: Steven Hoffner, Esq.  
Attorney for Plaintiff  
350 Broadway, Suite 1150  
New York, NY 10013  
(By Facsimile)